

#420  
BILL NO. G-90-02-22

GENERAL ORDINANCE NO. G- 04-90

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a street thereof.

WHEREAS, a petition to vacate a public street within  
the City of Fort Wayne (as more specifically described  
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing  
thereon; and

WHEREAS, said Commission has duly forwarded its  
recommendation to this body approving said petition, all in  
accordance with I.C. 36-7-4-512(2) and this body having held  
a public hearing on said vacation as provided in I.C. 36-7-  
4-12; and

WHEREAS, this body concurs in the recommendation of the  
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
public street within the City of Fort Wayne, more  
specifically described as follows, to-wit:

Matrix Way in its entirety as recorded on the  
final plat of Summit Industrial Park by the Allen  
County Recorder on June 26, 1986, recording number  
81-021841, in Book 48, Page 2,

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

Janet H. Bradbury  
COUNCILMEMBER



#420

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APPROVED AS TO FORM AND LEGALITY:

J.T. McCauley  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 27th day of March, 1990,  
in the Council Chambers.

Sandra E. Kennedy  
Sandra E. Kennedy, City Clerk

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, E.S.T.

DATED: 2-27-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>				<u>✓</u>
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 2-27-90

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE RESOLUTION NO. 9-04-90 on the 27th day of March, 1990

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1990, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of March, 1990, at the hour of 3:45 o'clock P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR



Date Filed: February 9, 1990

Vacation Petition

I/We Fort Wayne Redevelopment Commission  
(Applicant's Name or Names)

PETITION TO VACATE a street in Summit Industrial Park known as  
(Street, Alley, Utility Easement, Plat,  
Matrix Way  
Other)

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following street (Matrix Way) in Summit Park with the City of Fort Wayne, Indiana, and hereby described as follows:

Vacation of Matrix Way in its entirety as recorded on the final plat of  
Summit Industrial Park by the Allen County Recorder on June 26, 1986,  
recording number 81-021841, in Book 48, Page 2.

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

Matrix Way is a cul-de-sac which serves Lots 1,2,3,4,5 and 6 of Summit Industrial  
Park. The Fort Wayne Redevelopment Commission owns Lots 1,2,3,4 and 6. The  
Redevelopment Commission has an offer to purchase these five (5) Lots of Summit  
Industrial Park subject to Matrix Way being vacated.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described street (Matrix Way) be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 9th DAY OF February 19 90

Cadillac Coffee  
Adjacent Property Owner  
Typed Name

7221 Innovation Drive  
Address 46825 Zip

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Adjacent Property Owner  
Typed Name

\_\_\_\_\_  
Address Zip

\_\_\_\_\_  
Signature



Legal Description of Property:

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Additional Reasons for Vacation Request:

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Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent	Property	Address/Zip
Owners TYPED	Name	

Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:



Name

1 Main St. Rm. 840 City-County Bldg.

Street Address

Fort Wayne, IN 46802

City/State/Zip

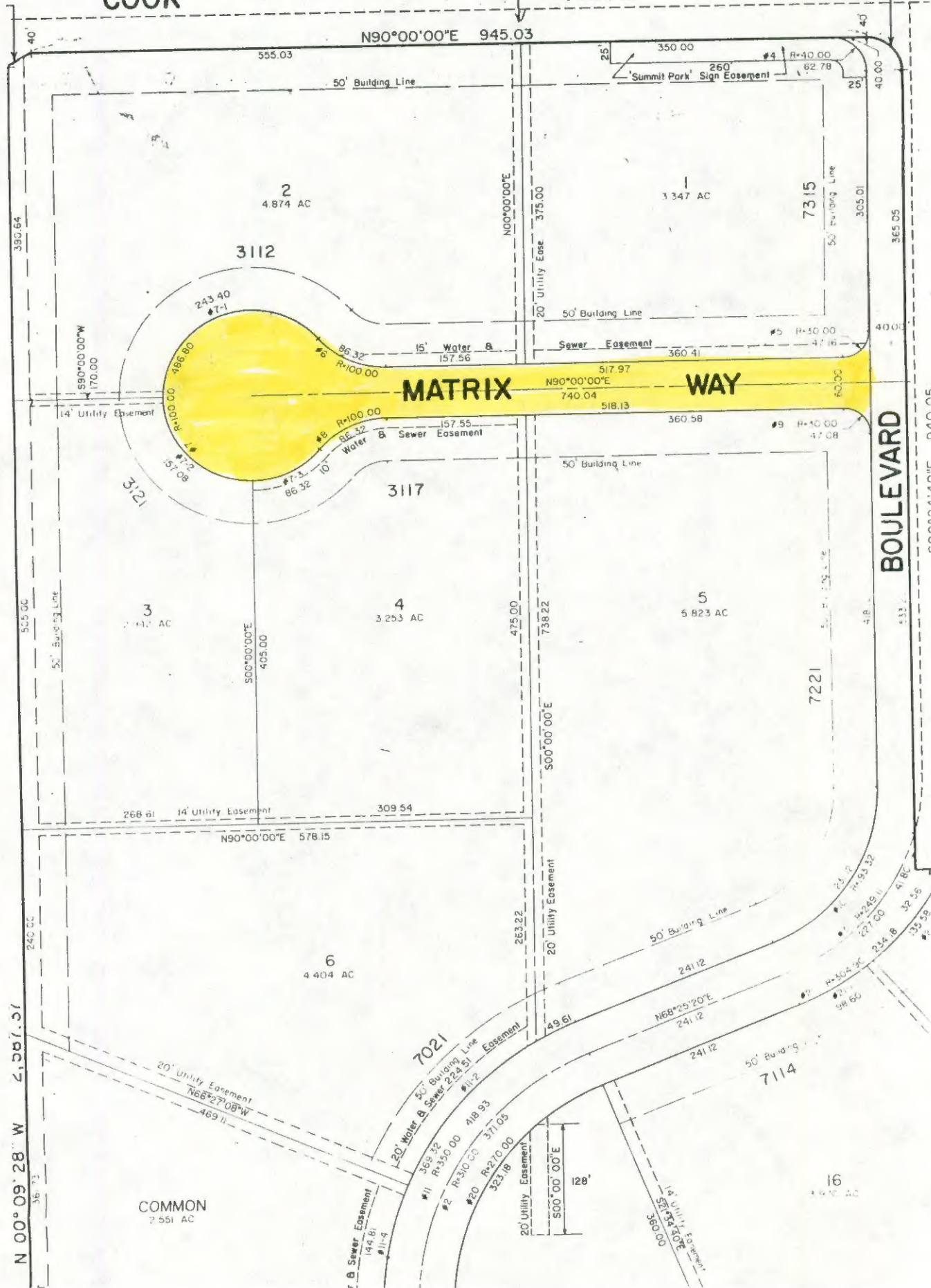
(219) 427-1127

Phone

Jan 18

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 $\downarrow$

#1 R=40.00 62.78  
Δ=89°55'20"  
C=56.53 B=S45°02'20"E





#420  
RESOLUTION

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Matrix Way in its entirety as recorded on the final plat of Summit Industrial Park by the Allen County Recorder on June 26, 1986, recording number 81-021841, in Book 48, Page 2,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 26, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of the dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right of way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right of way in Allen County, Indiana.

STATE OF INDIANA)

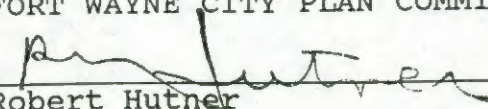
) SS:

COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 5, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6 DAY OF March 1990

FORT WAYNE CITY PLAN COMMISSION

  
Robert Hutner  
Secretary




Matrix Way in its entirety as recorded on the final plat of Summit Industrial Park by the Allen County Recorder on June 26, 1986, recording number 81-021841, in Book 48, Page 2,


WHEREAS, notice of such public hearing has been given by due and proper publication thereof;


NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

DATED THIS 7<sup>th</sup> DAY OF March 1990

  
Charles E. Layton  
Director of Public Works

  
Michael McAlexander  
Director of Public Safety

  
\_\_\_\_\_  
Douglas M. Lehman  
Director of Administration & Finance



#420

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Matrix Way in Summit Industrial Park

11-90-02-22

EFFECT OF PASSAGE Property is presently dedicated right-of-way. Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_



**FACT SHEET**

G-90-02-22

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Street Vacation Ordinance

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Summit Industrial Park

**Reason for Project**

Future sale of lots.

**Discussion (Including relationship to other Council actions)**26 February 1990 - Public Hearing

Ron Fletcher, Director of the Fort Wayne Redevelopment Commission appeared before the Commission. Mr. Fletcher stated that the Redevelopment Commission owns in Summit Industrial Park Lots 1, 2, 3, 4 & 6. He stated that they are requesting the vacation of the easements and right-of-way to allow the Commission to sell the parcels as one parcel for one development.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

5 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven members present six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

**POSITIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

Applicant(s)  
Fort Wayne Redevelopment  
Commission  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as  
amended) ☐ Hold☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or  
Program  
Change

☐ No

☐ Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 12 February 1990

Projected Completion or Occupancy

Date 6 March 1990

Fact Sheet Prepared by  
Patricia Biancaniello

Date 6 March 1990

Reviewed by

Date 5/1/90

Reference or Case Number



BILL NO. G-90-02-22

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) <sup>XXXXXXXXXX</sup>(~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a street  
thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Janet G. Bradbury*

*Samuel J. Talarico*

DATED:

*3-27-90*

Sandra E. Kennedy  
City Clerk

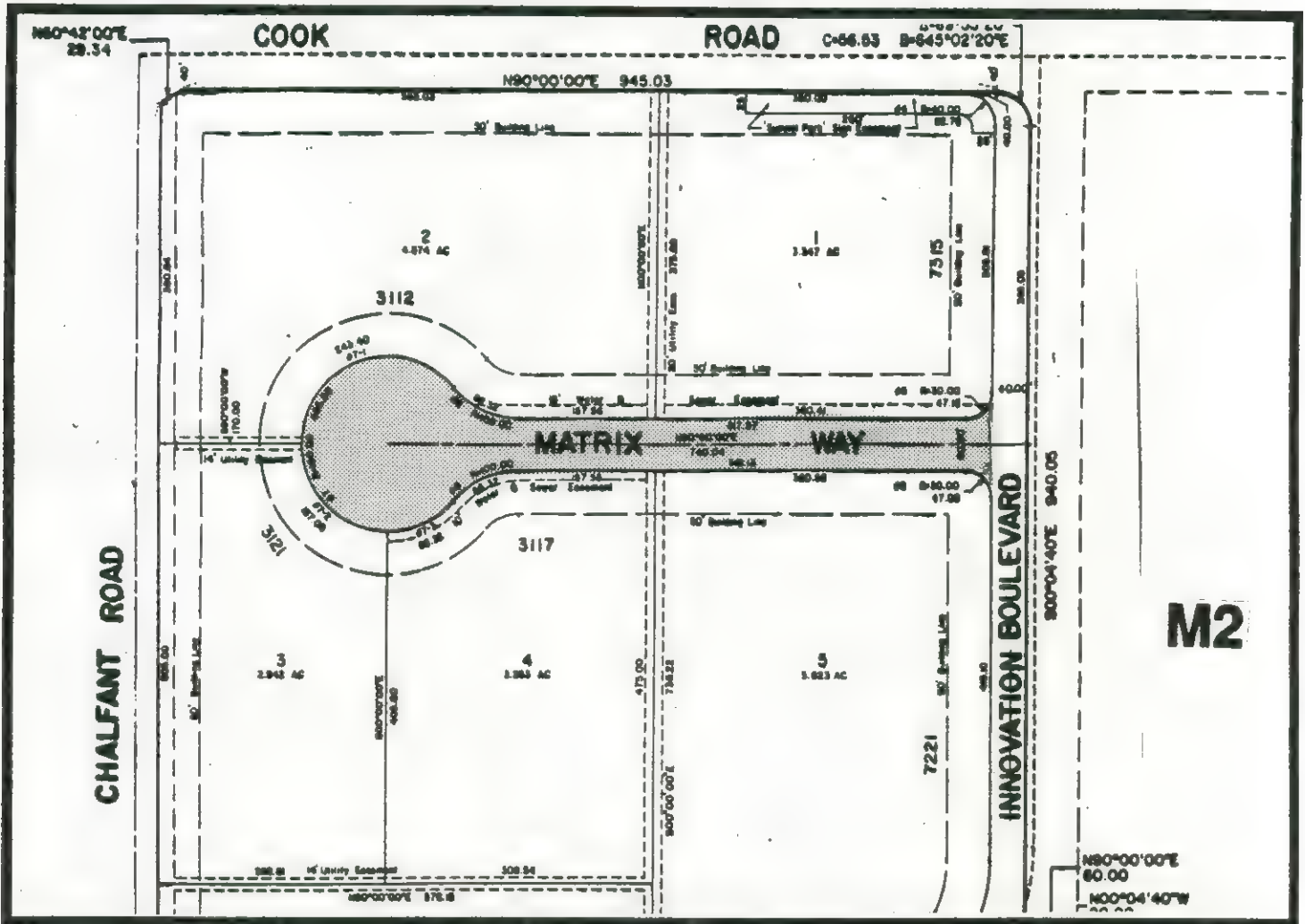


# VACATION PETITION # 420

A PETITION TO VACATE THE DESCRIBED STREET.

MAP NO. I-42

COUNCILMANIC DISTRICT NO. 3



**ZONING:**

M2 LIGHT INDUSTRY

**LAND USE:**



COMMERCIAL

**SCALE:** NTS

**DATE:** 2-6-90







## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 14, 1990

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 17, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-90-02-22  
Right of Way Vacation

Bill No. G-90-02-23 (as amended)  
Water and Sewer Easement

Bill No. G-90-02-24)  
Water and Sewer Easement

Bill No. G-90-02-25 (as amended)  
Utility Easement

Bill No. G-90-02-26 (as amended)  
Utility Easement

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 5



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-02-22)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M. in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Matrix Way in Summit Industrial Park - Right of  
Way Vacation - Councilmanic District #3

Matrix Way in its entirety as recorded on the final  
plat of Summit Industrial Park by the Allen County  
Recorder on June 26, 1986, recording number,  
81-021841, in Book 48, Page 2.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, reading "Sandra E. Kennedy".

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

March 15, 1990

Ron Fletcher  
Director of Redevelopment  
8th Floor  
City-County Building  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARINGS

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, March 27, 1990, at 7:00 P.M., in the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana on the following:

BILL NO. G-90-02-22  
Right of Way Vacation

Bill No. G-90-02-23  
(as amended)  
Water and Sewer Easement

Bill No. G-90-02-24  
Water and Sewer Easement

Bill No. G-90-02-25  
(as amended)  
Utility Easement

Bill No. G-90-02-26  
(as amended)  
Utility Easement

Copies of the above ordinances are available in the City Clerk's Office. All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the public hearing.

Office of the City Clerk  
Sandra E. Kennedy



3-7-90

Natka:

The attached legal is correct.

Ron Fletcher is  
the contact person from Redevelopment  
#1127.

PUBLIC HEARING

at the Fort Wayne City Plan Commission  
on Monday, February 26, 1990 at  
County Building, One Main Street,  
following proposed right of way  
locations.

-90-02-22

Pat

recorded on the final plat of  
Allen County Recorder on June 26,  
in Book 48, Page 2.

-90-02-23 is amended

Summit Industrial Park, except  
of Lot 4,

-90-02-24

lots 1 and 2 of Summit Industrial  
the eastern feet of Lot 2 and the  
1.

-90-02-26 is amended.

A fourteen (14) foot utility easement located at the north seven  
(7) feet of Lot 6 and the south seven (7) feet of Lot 3 and Lot 4  
of Summit Industrial Park, except the twenty (20) most western  
feet of Lot 6 and ten (10) most eastern feet of Lot 6 and the  
twenty (20) most western feet of Lot 3 and the ten (10) most  
eastern feet of Lot 4.

5. UTILITY EASEMENT

-90-02-25 is amended

A fourteen (14) foot utility easement located at the north seven  
(7) feet of Lot 3 and the south seven (7) feet of Lot 2 of Summit  
Industrial Park, except for the twenty (20) most western feet of  
Lot 2 and the twenty (20) most western feet of Lot 3,

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner  
Secretary



Fort Wayne Common Council

To: The News-Sentinel Dr.

(Governmental Unit)

P.O. Box 100

Allen

Fort Wayne, IN

County, Indiana

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
 -- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

14

Tail -- number of lines

4

Total number of lines in notice

21

## COMPUTATION OF CHARGES

21 lines, 1 columns wide equals 21 equivalent lines  
 at .33 cents per line

\$ 6.93

Additional charge for notices containing rule or tabular work  
 (50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 7.93

## DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: March 17, 19 90Title: Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

3/17/90Subscribed and sworn to before me this 17th day of March, 1990.

Shelley R. Larue  
 Notary Public Whitley County, IN  
 SHELLEY R. LARUE

My commission expires: March 3, 1994NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-02-22)

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Matrix Way in Summit Industrial Park - Right of Way location - Councilmanic District #3

Matrix Way in its entirety as recorded on the final plat of Summit Industrial Park by the Allen County recorder on June 26, 1986, recording number, 1-021841, in Book 48, Page 2.

All interested persons are invited to appear and be heard.

Fort Wayne Common Council  
 Sandra E. Kennedy  
 City Clerk



Fort Wayne Common Council

To:

The Journal-Gazette,

Dr.

(Governmental Unit)

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

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LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines

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\$ 7.93

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Nicole Allred

Date: March 17, 19 90

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-02-22)  
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Matrix Way in its entirety as recorded on the final plat of Summit Industrial Park by the Allen County Recorder on June 26, 1986, recording number, 021841, in Book 48, Page 2.  
All interested persons are invited to appear and be heard.  
Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time(s), the dates of publication being as follows:

3/17/90

Nicole Allred

Subscribed and sworn to before me this 17th day of March, 19 90.

Shelley R. Larue

Notary Public Whitley County, IN

SHELLEY R. LARUE

My commission expires: March 3, 1994